

Notice of Allowability

Application No.

09/778,963

Examiner

Karen A. Canella

Applicant(s)

NEELAM ET AL.

Art Unit

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed Dec 10, 2004.
2. ☒ The allowed claim(s) is/are 4, 8, 9, 13, 24-29, renumbered as 1, 4, 8, 10, 9, 2, 3, 5, 6 and 7, respectively.
3. ☒ The drawings filed on 08 February 0201 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


KARENA CANELLA PH.D
PRIMARY EXAMINER

The following is an examiner's statement of reasons for allowance: Cismowski et al (WO 99/58670, cited in the previous Office action) disclose SEQ ID NO:41, encoded by SEQ ID NO:40 as a human AGS1 homolog (page 111, Example 15). Cismowski et al disclose a human AGS1 as SEQ ID NO:2, encoded by SEQ ID NO:1 (page 7, lines 23-24) having 62% sequence identity to SEQ ID NO:40. Cismowski et al disclose that AGS is an acronym for "Activator of G protein Signaling" (page 2, lines 30-31) and that the nucleic acids of the invention encode a protein that activate G protein-coupled signal transduction in a G protein-coupled receptor independent manner (page 3, lines 14-16). The instant SEQ ID NO:2 differs from the disclosed SEQ ID NO:41 by the substitution of a serine residue in place of a Cysteine residue at position 166 and thus is 99% identical to the disclosed SEQ ID NO:41. Cismowski et al state that a preferred embodiment is an AGS protein having 97% identity to SEQ ID NO:2, wherein said protein stimulates G protein activity in a receptor-independent manner. Cismowski et al disclose that recombinant expression of the polynucleotide encoding SEQ ID NO:41, in contrast to SEQ ID NO:1, does not confer growth to CY1316/1183 cells, nor does it lead to FUS1p-lacZ activity in CY1141 cells (page 111, lines 23-28 and page 112, Table 6). One of skill in the art would reasonably conclude, that SEQ ID NO:41, which differs from the instant SEQ ID NO:2 by one amino acid, was not an AGS protein because it was unable to activate G protein-coupled signal transduction in a receptor independent manner, and therefore was not within the scope of Cismowski et al.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A. Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10 a.m. to 9 p.m. M-F.

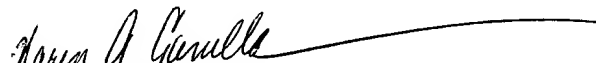
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571)272-0787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Karen A. Canella, Ph.D.

4/25/2005


KAREN A. CANELLA PH.D
PRIMARY EXAMINER